5616 CALGARY



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR WEDNESDAY, JUNE 26, 2013

ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

MEMORANDUM June 18, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner Rodriguez, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 5616 Calgary Avenue, El Paso, Texas, 79903-3210

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about July 10, 2012 and re-inspected on January 1, 2013. The structures were found to be open and abandoned and accessible for use by unwanted persons. The single family dwelling was built on or about 1958 constructed of Brick veneer and wood framing. The structure is intact but shows of deterioration due to lack of maintenance and vandalism. Most of the doors and some of the windows are broken. The walls and ceiling contain holes and water damage. There is trash and debris accumulation inside and outside the abandoned structure. The electrical, plumbing and mechanical systems are nonexistent.
- 2) A certified condemnation letter was mailed to Ollie J & 7 Green.
- 3) Certified notices of the public hearing scheduled for June 26, 2013, were mailed to the owners and all interested parties on June 6, 2013.
- 4) As of June 5, 2013, \$2,810.52 is owed in taxes

The owner has been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structures can be rehabilitated; and
- 5) That the structures be secured within thirty (30) and maintained secure thereafter; and
- 6) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division January 9, 2013 NOTICE OF VIOLATION

GREEN OLLIE J & 7 5616 CALGARY AVE EL PASO, TEXAS 79924-3402

> Re:5616 CALGARY AVE Blk: 10 COLONIA VERDE Lot: 5 (6090 SQ FT)

Zoned: R4

Case Number: ENHS13-00013

Mail Receipt # 91 7199 9991 7030 7463 1087

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **5616 CALGARY AVE.**, **El Paso**, **Texas**, **79924** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. Swimming pools, Spas and Hot Tubs shall be maintained in a clean and sanitary condition, and in good repair, proper enclosures are required for swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth [Sec.303.1 & 303.2]
- c. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- d. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- e. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- f. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. [Sec. 307.1.1]
- g. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- h. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- i. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- j. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- k. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- I. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]

- m. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- n. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- o. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- p. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- q. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- r. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- s. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- t. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- u. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- v. Elevators, dumbwaiters and escalators shall be maintained. [Sec. 606.1, 606.2]
- w. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- x. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- y. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- z. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- aa. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- bb. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within <u>30</u> days of your receipt of this letter. If, due to the

scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Wayne Fannin Building Combination Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: June 26, 2013

TIME: 5:30 p.m.

PROPERTY: 5616 CALGARY AVENUE, EL PASO, TEXAS also described as Lot 5, Block "10", COLONIA VERDE the City of El Paso, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Ollie J. Green, Berry Fields, Helen Skinner, Alton Green, Dora L. Williams, Mozelle Downs, Anna Ingrom and Bernice Turner, heirs of the Estate of Rosell Green, deceased (record owner) 5616 Calgary Avenue, El Paso, Texas 79924-3402 are the owners, herein after referred to as the "Owners" of the Property. If you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about January 7, 2013 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- f. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- g. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- h. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- i. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT
John R. Batoon	Tom Maguire, C.B.O.
Assistant City Attorney	Deputy Building Official

	ity Clerk of the City of El Paso, hereby certify that e regarding the property located at 5616 Calgary
	ewspaper on theday of,
	Richarda Duffy Momsen
I certify that a true and correct copy of the fo 5616 Calgary Ave. was MAILED CERTIFIE	
Ollie J. Green 9522 Mider	
San Antonio, Texas 78216	Data
	Date:
	Inspector:
I certify that a true and correct copy of the fo 5616 Calgary Ave. was MAILED CERTIFIE Berry Fields 103 Lark Circle Newport News, Virginia 23601	
	Date:
	Time:
I certify that a true and correct copy of the fo 5616 Calgary Ave. was MAILED CERTIFIE	
Helen Skinner	
5616 Calgary Avenue	
El Paso, Texas 79924-3402	Date
	Date: Time:
	Inspector:

I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alton Green	
7506 Riverside Park Drive	
San Antonio, Texas 78249	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 5616 Calgary Ave. was MAILED CERTIFIE	
Dora L. Williams	
103 Lark Circle	
Newport News, Virginia 23601	D .
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 5616 Calgary Ave. was MAILED CERTIFIE	
Mozelle Downs	
12869 Frederic Street	
Moreno Valley, California 92553	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 5616 Calgary Ave. was MAILED CERTIFIE	
Anna Ingrom	
9208 GJ Foster Place	
El Paso, Texas 79924	
	Date:
	Time:
	Inspector:

I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bernice Turner 5616 Calgary Avenue El Paso, Texas 79924-3402 Time: _____ Inspector: I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to: The Heirs of The Estate of Rosell Green 5616 Calgary Avenue El Paso, Texas 79924-3402 Time: _____ Inspector: _____ I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was HAND-DELIVERED to: City of El Paso C/O City Clerk 300 N. Campbell El Paso, TX 79901 Time: _____

Inspector:

I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe

AKA Tigua Indian Community	
119 S. Old Pueblo Road	
El Paso, Texas 79907	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 5616 Calgary Ave. was MAILED CERTIFIE	
El Paso Central Appraisal District	
5801 Trowbridge Ave.	
El Paso, Texas 79925	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the fo	oregoing Notice regarding the property at
5616 Calgary Ave. was MAILED CERTIFII	
<i>5</i>	
El Paso County Clerk, Probate Dept.	
500 E. San Antonio Avenue, Suite 105	
El Paso, Texas 79901	
	Doto
	Date:
	Time: Inspector:
	mspector.

I certify that a true and correct copy of the foregoing Notice regarding the property at 5616 Calgary Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: ______
Time: _____
Inspector: _____
I certify that a true and correct copy of the foregoing Notice was POSTED at 5616 Calgary Ave. El Paso, Texas.

Date: ______
Time: ______

Inspector:



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: 7/10/12 REP. DISTRICT: 4

ADDRESS: 5616 Calgary Avenue **ZONED**: R-4

LEGAL DESCRIPTION: Lot 5, Block 10, COLONIA VERDE

OWNER: Ollie J & 7 Green **ADDRESS:** 5616 Calgary Avenue

El Paso, Texas 79924-3402

BUILDING USE: Dilapidated open and abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural

engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade w/tile, linoleum, & carpet covering.

CONDITION: Fair. Some of the tile & linoleum covering on the floor system is detaching and broken. A

structural engineer should be hired to evaluate actual condition of the flooring system.

EXTERIOR WALLS: Brick Veneer with wood frame.

HEIGHT: 10 to 12' +/-**THICKNESS**: 8"-10" +/-

CONDITION: Fair. The walls will require cleaning, maintenance and minor repairs.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.

CONDITION: Poor. The sheet rock ceiling & walls have sustained water damage and contain holes

exposing the wood members.

ROOF STRUCTURE: Gable roof, wood frame w/composition shingle covering.

CONDITION: Poor. A registered roofing or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and metal frame single hung windows

CONDITION: Poor. Most doors and windows are broken and will need to be replaced to meet minimum code compliance.

MEANS OF EGRESS: Does not meet means of egress

CONDITION: Poor. Doors and windows must be replaced to meet means of egress building code compliance.

PLUMBING: Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

ELECTRICAL: Poor. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 1

WARNING POSTED: NO BARRICADED: NO POLICE AID REQD.: No

REMARKS: This substandard dilapidated single family dwelling built in 1958 is being entered by unwanted persons and is considered a danger to the general public. The main structure should be secured within thirty (30) days and maintained secure thereafter. The property should be cleaned within thirty (30) days and maintained clean thereafter.

Kevin D Harrell **Building Inspector**

